

**LAW OFFICE OF DONALD F. BURKE**

**45 GALE ROAD**

**BRICK, NEW JERSEY 08723**

**(732) 966-4922**

**Email: DonaldBurkeEsq@gmail.com**

**DONALD F. BURKE, ESQ.**

*Certified by the New Jersey Supreme Court as a Civil Trial Attorney*

*Member of the Bars of New Jersey & New York*

**DONALD F. BURKE JR., ESQ.**

*Member of the Bars of New Jersey & New York*

August 4, 2017

Honorable Michael A. Hammer, U.S.M.J.  
United States District Court  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

RE: C.G.B., Plaintiff, v. AIDA SANTA LUCIA, VAROUJAN KHOROZIAN, KYLE KHOROZIAN, DEREK KHOROZIAN and JOHN DOES 1-5 (being agents, servants and employees of the above as a continuing investigation may reveal who are fictitiously named because their true identities are unknown), Defendants.

United States District Court  
District of New Jersey  
Civil Action No.: 2:15-cv-03401 (SDW-LDW)

Dear Judge Hammer:

Kindly accept this letter on behalf of plaintiff C.G.B. respectfully withdrawing from mediation in the above matter. Plaintiff had agreed to an attempt at voluntary mediation with Your Honor to finalize the settlement agreement which was agreed to by all parties and fully set forth on the record almost eight (8) months ago on December 9, 2016. Plaintiff has a motion pending to enforce the settlement.

Your Honor entered an Order scheduling the conference for August 3, 2017, confidential mediation statements were submitted and the mediation was scheduled to take place yesterday. By telephone conference on Tuesday, the mediation was adjourned due to the purported unavailability of defendant Santa Lucia. The reason provided was that defendant Santa Lucia is seeking medical treatment in Italy. No further details were

provided, no Certification from Ms. Santa Lucia was provided and no supporting documentation was provided.

This is not the first time defendant Santa Lucia claimed unavailability because she was in Italy seeking medical treatment. Approximately one year ago defendant Santa Lucia was compelled by Court Order to appear for a deposition. At the last minute, she claimed unavailability because she claimed she was in Italy seeking medical treatment. (*See* Documents 45, 46). Defendant Santa Lucia never provided proof that she was in Italy seeking medical treatment a year ago and we are confident she will produce no proof that she was unavailable on August 3, 2017 for the Court Ordered mediation. As of today, Ms. Santa Lucia has still not confirmed her availability for a new date.

In light of the above, we have no confidence that defendants are acting in good faith, an essential element in successful mediation. We are convinced that this is another stalling tactic. We have therefore decided to forego mediation. We respectfully request an expeditious handling of plaintiff's Motion to Enforce the Settlement Agreement.

We sincerely thank Your Honor for your efforts.

Respectfully submitted,

s/ Donald F. Burke Jr.

Donald F. Burke Jr., Esquire

cc: Honorable Leda Dunn Wettre, U.S.M.J., VIA ECF  
Victoria Airgood, Esq., VIA ECF  
Christine McGuire, Esq., VIA ECF